Contents

About the Survey ........................................................................................................................................... 3
Main Findings.................................................................................................................................................. 4
Survey Questions & Responses......................................................................................................................... 7

Question 1: What percentage of your candidates have criminal convictions reported on their employment background check? .................................................................................................................. 7

Question 2: What percentage of your candidates are disqualified as a result of criminal records discovered on their background? ........................................................................................................................................... 7

Question 3: What types of criminal records would disqualify a candidate from employment at your company? (check all that apply) ........................................................................................................................................... 8

Question 4: How far back in time do you consider candidates’ criminal history when determining their hiring eligibility? ........................................................................................................................................... 10

Question 5: Do you ask candidates to self-disclose past criminal history on their job applications? ........................................................................................................................................... 10

Question 6: If a candidate self-disclosed a criminal conviction prior to the background check........................................................................................................................................... 11

Question 7: In addition to pre-adverse and adverse action letters required by the FCRA, do you allow your candidates who have been denied employment based on the results of a criminal background check an opportunity for an individualized assessment to offer an explanation of the circumstances? ........................................................................................................................................... 13

Question 8: What percentage of your candidates do you estimate are distorting information on their resume? ........................................................................................................................................... 14

Question 9: What percent of candidates do you not hire because of a distortion on a resume? ........................................................................................................................................... 14

Question 10: The new EEOC guidance on criminal background checks (released April 2012) has caused my organization to: ........................................................................................................................................... 15

Question 11: Do you review social networking websites as part of your background screening process? ........................................................................................................................................... 16
Question 12: If you answered “Never” to the previous question, why? (check all that apply) ................................................................................................................................. 17

Question 13: We audit our screening provider for compliance and accuracy on the following basis: ........................................................................................................................................ 17

Question 14: Which of the following apply to your use of Applicant Tracking Systems? (check all that apply) ........................................................................................................................................ 18

Question 15: Is it important that your screening provider be accredited by the National Association of Professional Background Screeners (NAPBS)? .............................................................................. 19

Question 16: Please answer “yes” or “no” for each item as it relates to the following statement: “My company has the resources I need to comply with the following background screening laws and guidance.” .............................................................................. 20

Demographics ................................................................................................................................................................................................................. 21
This report shares the findings of EmployeeScreenIQ’s fourth annual survey of U.S.-based employers regarding their use of employment background checks. A total of 992 individuals representing a wide range of U.S.-based employers completed the survey in late December of 2012 and early January of 2013. These employers use a variety of national and regional firms to conduct their background checks.

As with the three previous surveys, the 2013 survey was designed to provide a reliable snapshot of:

- How participants currently utilize background checks.
- How they respond to adverse findings on background checks.
- Their paramount screening-related concerns.
- Their future plans regarding background checks.

The 2013 survey results once again confirm the fact that background checks remain a crucial component of participants’ hiring process—protecting employers, their workforces and their customers alike. This is reflected in a variety of the responses, which show that many employers:

- are carefully reviewing criminal records to determine the suitability of their candidates;
- are not rejecting candidates for the sole reason of having criminal records;
- are not rejecting candidates for the sole reason of distorting information on their resumes;
- feel that they have the internal support necessary to stay apprised of and comply with evolving screening laws.

This year’s survey findings also offer insights into participants’ attitudes about the impact of the new Equal Employment Opportunity Commission (EEOC) guidance, the practice of asking candidates for self-disclosure of criminal records, and other timely issues.
Conscientious Screening Practices Abound

If there is one overarching takeaway from the 2013 survey results, it’s that participants seem to be screening and hiring candidates in a conscientious manner. The data seem to suggest that they’re conducting thorough and responsible background checks, auditing screening providers, and educating themselves on key privacy and hiring issues. Certainly, this heightened level of care and diligence is partially due to the ongoing specters of workplace theft, violence and negligent hiring litigation. But there are likely other factors in play such as the overall negative effects on morale and performance, the loss of reputation, and the damage done to an employment brand when ineffective screening practices allow poor candidates to be hired into a workforce.

Criminal Convictions Under-Reported?

59% of respondents said that criminal convictions are reported on just 5% or less of their background checks.

14% of respondents said that convictions are reported on 6% to 10% of their checks.

These estimates are significantly lower than the actual “hit rates” of thousands of employers worldwide who work with EmployeeScreenIQ. In our experience, these employers collectively averaged a 30% hit rate on their background checks in 2012. We believe this discrepancy is largely due to two possibilities: 1) a lack of thoroughness in the information that some screening providers offer to participants, and 2) the desire by some companies to save money by conducting less exhaustive background searches.

Looking Beyond Criminal Records

71% of respondents said that job candidates with criminal records are not hired due to their indiscretions in a mere 5% of instances or less.
This finding strongly supports employers’ longstanding assertions that they look beyond an applicant’s criminal past and that qualifications, references and interviewing skills are ultimately more important.

**April 2012 EEOC Guidance**

68% of respondents said that their organizations have reviewed the EEOC guidance on the consideration of arrest and conviction records in employment decisions (released in April of 2012).

32% of respondents said that they aren’t familiar with or aren’t reviewing the EEOC’s guidance.

Of those who have reviewed the guidance, slightly more than half have not made changes to their organization’s screening policies, and slightly less than half have made changes as a result of the guidance.

**Tell Us About Your Criminal Past**

79% of respondents say they are continuing to ask for self-disclosure on applications, despite the EEOC guidance recommending that employers should *not* ask candidates about convictions on job applications.

9% say they do not ask candidates for self-disclosure.

**Will You Still Hire Me? Yes!**

52% said that they would actually be *more* inclined to hire a candidate who self-disclosed a criminal conviction prior to a background check.

8% said that they would be less inclined.

40% said that self-disclosure makes no difference in their hiring inclination.
Resume Lies Aren’t a Deal Breaker

60% A vast majority of respondents estimate that up to 60% of candidates distort or exaggerate information to some degree on their resumes.

51% However, 51% of respondents indicated that just 15% or less of their job candidates with resume inconsistencies are not hired due to these distortions.

No Love for Social Networking Sites

64% said they never review social networking websites as part of the background screening process, despite the overall enthusiastic embrace of social media by the business world. This is a jump from last year’s response of 52%.

7% said that they always consult social sites.

The Accreditation Conundrum

71% of respondents said it is important for their screening providers to be accredited by the National Association of Professional Background Screeners (NAPBS)—the same percentage of respondents as last year.

2% However, less than 2% of all screening providers are actually accredited by NAPBS, so perception still hasn’t caught up with reality where accreditation is concerned.
Survey Questions & Responses

**Question 1:** What percentage of your candidates have criminal convictions reported on their employment background check?

The vast majority of respondents said that criminal convictions are rarely reported on their job candidates’ background checks. Specifically, 59% of respondents said that criminal convictions are reported on just 5% or less of their background checks, while 14% of respondents said that convictions are reported on 6% to 10% of their checks.

However, as mentioned in the Main Findings section of this report, this estimate is significantly lower than the “hit rate” of thousands of employers worldwide who work with EmployeeScreenIQ. These employers collectively averaged a 30% criminal hit rate in 2012. This discrepancy could be due to less thorough information that some screening providers offer or a desire by some companies to save money by conducting less exhaustive background searches. Employers might use these findings to consider how thorough of a background check their organization conducts.

**Question 2:** What percentage of your candidates are disqualified as a result of criminal records discovered on their background?

Criminal records are not necessarily deal-breakers when it comes to hiring candidates, as the results of question two clearly indicate. When a criminal record is revealed, job candidates do not get hired 5% of the time or less, according to 71% of respondents. Only 3% of respondents disqualify candidates with criminal records 20% of the time or more.

Criminal records are not necessarily deal-breakers.
It is also worth noting that some employers in regulated industries such as banking, healthcare and education are prohibited from hiring individuals with certain convictions. In our experience, employers consider a number of factors when criminal records appear on background checks. These factors might include the age and severity of the records, whether the person is a repeat offender, and the relevance of the record to the job opening. The 2013 data align closely with last year’s finding that 73% of employers say that a candidate’s qualifications are more important than the absence of a criminal record.

**Question 3: What types of criminal records would disqualify a candidate from employment at your company?** (check all that apply)

- Felony convictions—crimes of violence: 85%
- Felony convictions—crimes of theft and dishonesty: 84%
- Felony convictions—drug/alcohol offenses: 62%
- Misdemeanor convictions—crimes of theft and dishonesty: 52%
- Misdemeanor convictions—crimes of violence: 51%
- Misdemeanor convictions—drug/alcohol offenses: 29%
- Infractions and/or traffic offenses: 10%
- Charges that don’t result in a conviction: 4%
- None of the above: 9%

Given the legal and privacy issues that abound in today’s business world, employers continue to engage in a delicate balancing act—juggling the
needs and protecting the interests of shareholders, partners, customers and their workforces. As we have reported in past years, criminal conduct (e.g., workplace violence, fraud, theft, sabotage of computer systems, etc.) can have profound effects on an organization’s reputation, its ability to compete for talent and its bottom line.

Therefore, it’s not surprising that respondents showed greatest concern over felony convictions related to crimes of violence, theft and dishonesty. It is worth noting, however, that their concern dropped substantially regarding drug/alcohol felony convictions. This same drop off occurred related to misdemeanor convictions, with respondents showing significantly greater concern for misdemeanor convictions regarding crimes of violence, theft and dishonesty as opposed to drug/alcohol misdemeanor convictions.

A selection of respondents’ comments:

“We look at each applicant on an individual basis. The type of position the individual is seeking and the time frame of the infraction is taken into consideration as well.”

“The job requirements would determine what convictions would influence the ultimate decision but crimes of theft and dishonesty are most likely to present a conflict with most positions and therefore disqualify a candidate.”

“Convictions that are closely related to the position for which we are hiring would disqualify a candidate from consideration.”

“We look at nature and severity of the crime on a case-by-case basis, along with job-relatedness and time that has passed since the charge, conviction or release. We also apply state-specific employment law to each review.”

“We don’t use any standard screening formula, and no offenses automatically disqualify an applicant. Each situation is reviewed on case-by-case basis and job-relatedness of the offense is heavily considered as required by policy and state statute.”

“It depends on many factors: How recent? Are their multiple convictions that show he/she isn’t changing bad behavior? What have they done since the convictions? All this combined with the severity (violence and theft most severe) help determine if a person is the best candidate.”
Question 4: How far back in time do you consider candidates’ criminal history when determining their hiring eligibility?

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 7 years</td>
<td>46%</td>
</tr>
<tr>
<td>6–7 years</td>
<td>32%</td>
</tr>
<tr>
<td>4–5 years</td>
<td>14%</td>
</tr>
<tr>
<td>3 years or less</td>
<td>8%</td>
</tr>
</tbody>
</table>

Nearly half of the respondents go beyond seven years in their criminal background checks, a sign of the heightened care and diligence that today’s employers are bringing to their hiring practices. However, based on the responses to question one of the survey—in which 73% of employers saw convictions for less than 10% of their candidates—we wonder how many of these employers find the records they say they are interested in evaluating. According to EmployeeScreenIQ’s research, 67% of all records we report have occurred within the past 7 years. 12% of all records reported are 7–10 years old, 18% reported are 11–20 years old and the remaining 3% are older than 20 years.

Question 5: Do you ask candidates to self-disclose past criminal history on their job applications?

Despite the guidance issued by the EEOC in April of 2012—recommending that employers should not ask candidates about convictions on job applications—79% of respondents say they are continuing to do so. Only 9% say they do not ask candidates for self-disclosure. However, the EEOC’s guidance did open up a bit of gray area, as it said that employers who do inquire about criminal convictions on job applications should limit their inquiries “to convictions that are job-related for the position in question and consistent with business necessity.”

The guidance opens up continued debate on the subject, and the results show that employers continue to put a high value on criminal record self-disclosure at the application stage of hiring.
As employers search for qualified talent, they will have to continue to balance fair treatment of candidates against their own need to make informed hiring decisions.

A selection of respondents’ comments:

“Criminal history questions are asked on applications for public safety positions.”

“We used to (ask for self-disclosure) but the New Jersey Department of Labor made us change our application.”

“Our application asks if they were ever convicted of a crime. We do not make it mandatory that they answer that question at the application phase.”

“We will be changing this practice and only asking the information on a separate disclosure form which will be reviewed by HR and not made available to the hiring authority.”

“We ask about felony convictions only.”

**Question 6: If a candidate self-disclosed a criminal conviction prior to the background check...**

In addition to a candidate’s qualifications, it seems that her/his honesty is also more important than a criminal past: the majority of respondents (52%) said that they would actually be more inclined to hire a candidate who self-disclosed a criminal conviction prior to a background check. Only 8% said that they would be less inclined, and 40% said that self-disclosure makes no difference in their openness to hiring a candidate with a criminal conviction.
Frankly, we’re intrigued by these findings. They suggest that the majority of employers value finding out about criminal convictions from candidates themselves early in the screening process. However, there are various state and local “Ban the Box” laws that can circumvent this. Therefore, we wonder if “Ban the Box” laws might actually negatively impact candidates with criminal convictions, as they’ll be prevented from having a chance for early self-disclosure. This will be an important issue for us to focus on in future surveys.

A large percentage of participants are disregarding the EEOC’s guidance on banning the box. At the same time, they claim to be open to hiring candidates who do self-disclose convictions on their applications. If that is true, employers are doing the right thing and taking other factors into account. This conclusion is supported by the comments that follow.

**A selection of respondents’ comments:**

“It would depend on if the conviction was closely related to the job they were being considered for.”

“We give candidates a chance to explain their convictions – if everything adds up, we are more open to hiring, especially if the conviction was greater than five years prior.”

“Honesty up front has much more value than having to find something out from the results of the search.”

“We do not tolerate misrepresentation on employment applications.”

“It still might make no difference depending upon the details but if they do not disclose it is an automatic disqualifier.”

“It depends upon the conviction and the age of it.”
Question 7: In addition to pre-adverse and adverse action letters required by the FCRA, do you allow your candidates who have been denied employment based on the results of a criminal background check an opportunity for an individualized assessment to offer an explanation of the circumstances?

The large majority of respondents (61%) are performing an individualized assessment before denying employment based on a criminal record. Those who do not afford this opportunity to candidates could well be at increased risk for investigation and may wish to reconsider their position.

Individualized assessments were a major factor in the latest EEOC guidance, and the agency is sharply focused on enforcement where it deems systemic practices are in place that run counter to these rules.

A selection of respondents’ comments:

“Candidates are always given a chance to explain. There are too many chances for errors.”

“They can explain but it usually does not affect the final decision.”

“Generally, if we perceive it is something that will impact the decision, we talk with the candidate to determine if they can be moved forward.”

“Candidates can only appeal a final employment decision based on incorrect or invalid criminal history used to make the determination. Their explanation of the circumstances might be solicited prior to the hiring decision.”
Question 8: What percentage of your candidates do you estimate are distorting information on their resume?

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–15%</td>
<td>35%</td>
</tr>
<tr>
<td>16–30%</td>
<td>26%</td>
</tr>
<tr>
<td>31–45%</td>
<td>14%</td>
</tr>
<tr>
<td>Don't know</td>
<td>14%</td>
</tr>
<tr>
<td>46–60%</td>
<td>7%</td>
</tr>
<tr>
<td>Greater than 60%</td>
<td>4%</td>
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</tbody>
</table>

The largest share of respondents (35%) estimate that 15% or fewer of their job candidates distort their resumes. Another 26% believe the frequency is higher, with 16% to 30% of candidates distorting their resumes. And 14% of respondents estimate that resumes are distorted by 31% to 45% of their job candidates.

As we have stated in past years, employers consider distortions on a resume to be troubling breaches of integrity and trust. Although the percentages in each of our given categories are relatively low, the widespread nature of distorting and exaggerating the truth continues to be significant, as reported in both the popular and business press. Most job seekers know that employers use background checks to review potential new hires. And many of the popular job search websites contain numerous articles written by employment experts advising job seekers not to lie on their resumes. In spite of these deterrents, however, individuals continue to “tweak” their resumes and hope that they won’t be caught. This is all the more reason for employers to be vigilant in their screening practices.

Question 9: What percent of candidates do you not hire because of a distortion on a resume?

According to more than half of the respondents, just 15% or less of job candidates that distort their resumes are not hired. For 11% of respondents, they do not hire 16% to 30% of candidates because of resume distortions—and the percentages drop off sharply in each of the subsequent categories.
We must confess that these figures are surprising. In our experience, resume distortions are often considered serious breaches of confidence and an indicator of questionable character (depending on the context and extent of the distortion). These findings seem to indicate that respondents believe most resume distortions to be minor. In any case, resume distortions (much like criminal convictions) appear to be viewed as just a single component of the larger “candidate snapshot” that must be taken into consideration.

**Question 10: The new EEOC guidance on criminal background checks (released April 2012) has caused my organization to:**

Of the nearly 70% of respondents who said that their organizations have reviewed the EEOC guidance, slightly more than half of them have not made changes to their screening policies based on that guidance, while slightly less than half have made changes. More noteworthy, however, is the 32% of respondents who either aren’t familiar with or aren’t reviewing the EEOC’s guidance.
We would strongly encourage employers to familiarize themselves with the new guidance and evaluate their organizations’ policies and practices.

**A selection of respondents’ comments:**

“The ‘guidance’ is not a law and is subject to change and interpretation.”

“We have not decided what changes to make yet.”

“We need less government, not more and bigger.”

“We stay in compliance in every area possible and seek legal counsel when there is doubt.”

“We look at each applicant and analyze the individual and situation. We did not have to change anything.”

**Question 11: Do you review social networking websites as part of your background screening process?**

| Always 7% | Sometimes 29% | Never 64% |

Given the business world’s enthusiastic embrace of social media and social networking sites, it was surprising to see that 64% of respondents said they never review social networking websites as part of their background screening process. In fact, this year’s percentage was even higher than last year’s (52%). Only 7% of respondents this year said that they always consult social sites—down from 9% in last year’s survey.

These results once again show how divided employers continue to be when it comes to social media as a source of background information. The findings also again refute the common perception that all employers spend their time pouring over the online activities of workers and potential new hires.
Even if employers don’t consider social media searches part of the “background check,” other surveys show that employers are checking up on potential employees through Google and other web searches. Whether or not employers consider these searches to be “background checks,” the FTC has ruled that social media data aggregators (such as Spokeo and other mobile based sites) are, in fact, subject to the same laws as traditional background checks.

**Question 12:** If you answered “Never” to the previous question, why? (check all that apply)

- Concerned about privacy laws and other legal risks associated with using this information **69%**
- Don’t have time **32%**
- Not relevant **32%**

Nearly 70% of respondents cited privacy and legal concerns as the reason they never consult social networking websites as part of their background screening process. Lack of relevance and lack of time were each cited by 32% of respondents as their reasons for never consulting social websites.

Clearly, the value of social networking websites as a background screening tool is still up for debate. The inherent legal and privacy risks in uncovering “protected class” information (age, race, religious affiliation, etc.) or in making decisions based on unverifiable information make social sites less and less useful in the estimation of many employers.

**Question 13:** We audit our screening provider for compliance and accuracy on the following basis:

There is good news and bad news regarding the responses to this question. The good news is that a combined 68% of all respondents audit their screening providers at some point during the relationship. The bad news, of course, is that only 36% of respondents do so on a regular basis—and 32% of respondents never audit their screening providers, a practice that can potentially put these organizations at risk. Not long ago, in fact, a large and well-known consumer reporting agency was assessed $2.6 million in penalties by the Federal Trade Commission (FTC), which charged
the agency with violating the Fair Credit Reporting Act by failing to use reasonable procedures to assure the accuracy of its criminal background checks.

Employers should do everything they can, including conducting regular audits, to make certain that their screening partners uphold the highest possible standards.

(If you would like additional suggestions on how to protect your company from providers who engage in questionable screening practices, download a copy of our recent article, HR’s Guide to Effective Evaluation of Background Screening Providers.)

**Question 14: Which of the following apply to your use of Applicant Tracking Systems? (check all that apply)**

Well over half of all respondents indicated that their organizations either already use an Applicant Tracking System or are considering such use, yet just 21% have actually integrated their screening program with their platform. Only 26% of respondents said their organizations do not use nor plan to use an Applicant Tracking System.

As with most HR/recruiting-oriented software applications, different platforms have their pros and cons but many organizations find them indispensable in handling the large volumes of job candidates who respond to their open positions.
Nearly one-third of the respondents to question 14 signified that their Applicant Tracking Systems do not integrate with their background screening programs. (Ideally, an Applicant Tracking System integrates with an organization’s other HR systems as well as its background screening program so that information can be seamlessly transmitted among all of the systems.) So, while integration between a background screening provider and Applicant Tracking System has been an emerging trend for several years, we find it interesting that only one in five respondents have actually done so. This suggests that as of now many employers still don’t value this concept highly.

**Question 15: Is it important that your screening provider be accredited by the National Association of Professional Background Screeners (NAPBS)?**

A large majority (71%) of respondents indicated that they do consider NAPBS accreditation important for their screening providers. Interestingly, this is exactly the same percentage that answered this question affirmatively in last year’s survey. Unfortunately, perception continues to differ drastically from reality where accreditation is concerned: the fact is less than 2% of screening providers are accredited by the NAPBS. In other words, a lot of employers who consider NAPBS accreditation important are likely using non-accredited providers.

Obviously, employers largely understand that NAPBS accreditation isn’t a mere ornamental distinction. Rather, it’s an important “seal of approval” that ensures providers are using practices and procedures that comply with industry best practices.
You can learn more about the NAPBS and accreditation at the organization’s website, www.napbs.com.

**Question 16:** Please answer “yes” or “no” for each item as it relates to the following statement: “My company has the resources I need to comply with the following background screening laws and guidance.”

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hiring and Background Screening Policies</td>
<td>93%</td>
<td>5%</td>
<td>2%</td>
</tr>
<tr>
<td>Pending Legislation</td>
<td>71%</td>
<td>15%</td>
<td>14%</td>
</tr>
<tr>
<td>State Law</td>
<td>88%</td>
<td>6%</td>
<td>6%</td>
</tr>
<tr>
<td>The Fair Credit Reporting Act (FCRA)</td>
<td>84%</td>
<td>6%</td>
<td>10%</td>
</tr>
<tr>
<td>EEOC Guidance and State EEO</td>
<td>89%</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>Privacy Law</td>
<td>89%</td>
<td>7%</td>
<td>4%</td>
</tr>
<tr>
<td>Workplace Investigations</td>
<td>84%</td>
<td>8%</td>
<td>8%</td>
</tr>
<tr>
<td>Drug and Substance Abuse Screening</td>
<td>79%</td>
<td>10%</td>
<td>11%</td>
</tr>
<tr>
<td>I-9 and E-verify Requirements</td>
<td>89%</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>FCRA Processes (Authorization Forms, Adverse Action Process, Disputes, etc.)</td>
<td>78%</td>
<td>10%</td>
<td>12%</td>
</tr>
<tr>
<td>Data Protection and Security of Background Information</td>
<td>86%</td>
<td>7%</td>
<td>7%</td>
</tr>
</tbody>
</table>
Judging by the generally high percentages of “Yes” responses, participants strongly believe that their organizations possess the internal resources to comply with and navigate a wide variety of screening laws and issues. Although most respondents are confident in the strength of their internal resources, it’s wise to review all of these policies and practices with legal counsel on a regular and ongoing basis. The top three issues that respondents are least certain about are pending legislation, drug/substance abuse screening and FCRA processes.

Demographics

<table>
<thead>
<tr>
<th>Size of Participant Organizations</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-100</td>
<td>36%</td>
</tr>
<tr>
<td>1000-5000</td>
<td>18%</td>
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<td>Over 10,000</td>
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<td>100-250</td>
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<tr>
<td>5000-10000</td>
<td>6%</td>
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<tr>
<td>500-1000</td>
<td>6%</td>
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</table>

EmployeeScreenIQ helps employers make smart hiring decisions. The company achieves this through a comprehensive suite of employment background screening services including the industry’s most thorough and accurate criminal background checks, resume verification services and substance abuse screening. EmployeeScreenIQ is accredited by the National Association of Professional Background Screeners (NAPBS), a distinction earned by less than two percent of all employment screening companies. For more information, visit http://www.EmployeeScreen.com.